



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

August 14, 2006

10/12/2006 4:17 PM

*Commissioner Tom Moss, Chairman*  
*Commissioner Joe Ford, Chairman Pro Tempore*  
*Commissioner Marilyn Loeffel*  
*Commissioner George Flinn*  
*Commissioner John Willingham*  
*Commissioner Walter Bailey, Jr.*  
*Commissioner Julian T. Bolton*

*Commissioner Deidre Malone*  
*Commissioner Michael Hooks*  
*Commissioner Cleo Kirk*  
*Commissioner Joyce Avery*  
*Commissioner David Lillard*  
*Commissioner Bruce Thompson*

1:30 P.M.

COMMISSION CONVENES

CALL TO ORDER

Deputy Sheriff David Duckett

INVOCATION

Rabbi Aaron Rubinstein  
Beth Shalom Synagogue

PLEDGE OF ALLEGIANCE

ROLL CALL

### Approval of Minutes of Previous Sessions

FORD  
ADOPTED

July 24, 2006

## C O N S E N T   A G E N D A

### Resolutions of Memorial, Sympathy and Commendation

LILLARD  
ADOPTED

1. Resolution commending Elder Readus C. Smith, retiring pastor of Rosemark Church of God in Christ, for thirty one years of distinguished ministry.

MALONE  
ADOPTED

2. Resolution commending Katherine Hinds Smythe, recipient of the Josephine Burson Active Living Award.

### Ordinances

**MALONE  
(REMOVED TO  
REGULAR  
AGENDA)  
APPROVED**

3. **ORDINANCE – SECOND READING** – Ordinance to approve and set the salary of the Chairman of the Shelby County Commission for the 2006/2007 term.

**Zoning and Subdivisions**

**LOEFFEL  
ADOPTED  
(A)**

4. Resolution approving various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer.

**Reports and/or Resolutions of Standing Committees**

**KIRK  
ADOPTED**

5. Resolution approving the sale of twenty-one delinquent tax parcels from Tax Sale(s) 0002, 17, 35, 44, 48, 52, 55, 85.2, 89.5, 94.5, 95.2, 97.1, 97.3, 97.4, and 98.2 pursuant to the provisions of the Tennessee Code Annotated 67-5-2507.

**KIRK  
ADOPTED**

6. Resolution rescinding the sale of five delinquent tax parcels from Tax Sale(s) 0004, 95.2, 97.4, 97.5, and 99.1 pursuant to the provisions of the Tennessee Code Annotated 67-5-2507.

**KIRK  
ADOPTED**

7. Resolution to approve a contract between University of Memphis and Shelby County Government for consulting services, and to appropriate funds from FY 2006/2007 Operations Maintenance Budget in the amount of \$195,438.00.

**KIRK  
ADOPTED**

8. Resolution to encumber funds for hardware and software maintenance and support for the Hewlett-Packard (HP) Himalaya Non-Stop Server to Hewlett-Packard, Inc., in the amount of \$247,932.00 from FY 2006/2007 Operations and Maintenance Budget, Account No. 010-201804-6780.

**KIRK  
ADOPTED**

9. Resolution to receive and file the Trustee's Annual Report of Delinquent and Insolvent Taxpayers in accordance with Tennessee Code Annotated Section 67-5-1903.

**KIRK  
ADOPTED**

10. Resolution approving settlement of Civil Rights Lawsuit of Karlon Dallas Dotson.

**KIRK  
ADOPTED**

11. Resolution amending the FY 2007 Operating Budget to transfer funds from the Legislative Operations Personnel Budget "Student Employment Program" to the Operations and Maintenance Budget in the amount of \$8,000.00 for appropriation to Life Choices, Inc., for child health education training.

- |                            |  |
|----------------------------|--|
| <b>LILLARD<br/>ADOPTED</b> | <b>12. Resolution to grant a variable width sanitary sewer easement, across real property owned by the County of Shelby, located at 201 Poplar Avenue, to the City of Memphis, without monetary consideration for the rerouting and construction of the Fourth Street Sanitary Sewer Line.</b>   |
| <b>LILLARD<br/>ADOPTED</b> | <b>13. Resolution to amend the resolution authorizing the establishment of a governing board for the Regional Geographical Information System.</b>   |
| <b>AVERY<br/>ADOPTED</b>   | <b>14. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$1,442,000.00 for the provision of Tuberculosis Services for the period July 1, 2006 – June 30, 2007, and amending the FY 2006/2007 Operating Budget.</b>   |
| <b>AVERY<br/>ADOPTED</b>   | <b>15. Resolution to approve a Lease Agreement extension with Nussbaum Properties, LLC, in the amount of \$179,820.00 for the three (3) year period July 1, 2006 – June 30, 2009, for warehouse and office space at 757 Galloway for the Health Department's Commodity Supplemental Food Program and WIC Program.</b>  |
| <b>AVERY<br/>ADOPTED</b>   | <b>16. Resolution to approve a Lease Agreement with Southland Development Partners of Memphis in the estimated amount of \$678,000.00 for a term not to exceed five years, commencing on or about July 1, 2006 through June 30, 2011, for office and clinic space at 6590 Kirby Center Cove, Memphis, Tennessee 38115, for the Memphis and Shelby County Health Department to operate a WIC Program, Public Health Clinic, and Vital Records Satellite office.</b> |
| <b>MALONE<br/>ADOPTED</b>  | <b>17. Resolution amending the FY 2006/2007 Operating Budget of the Head Start Program and amending the personnel complement.</b>  |
| <b>MALONE<br/>ADOPTED</b>  | <b>18. Resolution approving the amendment to the agreement with Glorious Future increasing the funding amount by \$52,554.00 for the period July 1, 2006 through December 31, 2006.</b>  |
| <b>FLINN<br/>ADOPTED</b>   | <b>19. Resolution approving an agreement by and between Memphis and Shelby County Government and the Memphis Regional Chamber of Commerce for the purpose of facilitating economic development in Memphis and Shelby County.</b>   |
| <b>MALONE<br/>ADOPTED</b>  | <b>CONSENT AGENDA</b>  |

## REGULAR AGENDA

### Elections, Appointments, and Confirmations

#### Ordinances

LOEFFEL  
AS AMENDED  
ADOPTED

20. **ORDINANCE – THIRD READING**  
An Ordinance to amend Chapter 28 of the Code of Shelby County to provide for the disposal of tenant property discarded onto county right-of-ways, easements or other property owned or maintained by the county after an eviction.

#### Zoning and Subdivisions

LOEFFEL  
ADOPTED

21. **CASE NO. S.U.P. 06-212 CC**  
**APPLICANT:** Memphis Stone and Gravel  
  
**LOCATION:** West side of Deadfall Road; +/- 1,130 feet north of Godwin Road  
  
**REQUEST:** Special Use Permit for the purpose of sand and gravel mining

Memphis and Shelby County Office of Planning and Development recommendation:  
**APPROVAL WITH CONDITIONS**

Memphis and Shelby County Land Use Control Board recommendation:  
**APPROVAL WITH CONDITIONS**

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

### Reports and/or Resolutions for Standing Committees

LOEFFEL  
ADOPTED

22. Resolution to approve a grant of conservation easement of county owned property for eventual use with an easement holder to be selected and approved by the Board of County Commissioners for the purposes of protecting, maintaining, preserving and enhancing the conservation, natural, scenic, recreational and parkland resources and values of the property.

WILLINGHAM  
(DEFERRED  
TO 08/28/06)

23. Resolution approving the retainage of a law firm for the purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and/or Ellerbe Beckett.

#### Announcements/Statements

24. Notification from County mayor of various appointments and reappointments to boards, commissions and offices of Shelby County Government.
- a. Resolution approving the county mayor's nomination of Bo Bryan for appointment to the Shelby County *Agricultural Extension Committee*.

KIRK  
FAILED

- 24A. Resolution amending the salaries of the staff of the Commission Office, amending Salary Policy for 2006/2007 as adopted as Item No. 38 on June 26, 2006, and transferring and appropriating funds from Commissioners' Contingency Funds.

Adjournment

HOOKS  
ADOPTED

25. Resolution of Adjournment to August 28, 2006, at 1:30 p.m.

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]